

Representative Steve Eliason proposes the following substitute bill:

**MEDICAID WAIVER FOR MEDICALLY COMPLEX
CHILDREN AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends the Medical Assistance Act.

Highlighted Provisions:

This bill:

- ▶ amends application, eligibility, treatment, and evaluation provisions for the Medicaid program for children with complex medical conditions; and
- ▶ includes a child's behavioral health needs as a factor for prioritizing entrance into the program.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-18-410, as last amended by Laws of Utah 2019, Chapter 393

Be it enacted by the Legislature of the state of Utah:



Section 1. Section **26-18-410** is amended to read:

26-18-410. Medicaid waiver for children with disabilities and complex medical needs.

(1) As used in this section:

(a) "Additional eligibility criteria" means the additional eligibility criteria set by the department under Subsection (4)(e).

(b) "Complex medical condition" means a physical condition of an individual that:

(i) results in severe functional limitations for the individual; and

(ii) is likely to:

(A) last at least 12 months; or

(B) result in death.

(c) "Program" means the program for children with complex medical conditions created in Subsection (3).

(d) "Qualified child" means a child who:

(i) is less than 19 years old;

(ii) is diagnosed with a complex medical condition;

(iii) has a condition that meets the definition of disability in 42 U.S.C. Sec. 12102; and

(iv) meets the additional eligibility criteria.

(2) The department shall apply for a Medicaid home and community-based waiver with CMS to implement, within the state Medicaid program, the program described in Subsection (3).

(3) If the waiver described in Subsection (2) is approved, the department shall offer a program that:

(a) as funding permits, provides treatment for qualified children;

(b) if approved by CMS and as funding permits, beginning in fiscal year 2023 provides on an ongoing basis treatment for 300 more qualified children than the program provided treatment for during fiscal year 2022; and

[(b)] (c) accepts applications for the program [during periods of open enrollment; and] on an ongoing basis.

[(c) if approved by CMS:]

(i) requires periodic reevaluations of an enrolled child's eligibility and other applicants

or eligible children waiting for services in the program based on the additional eligibility criteria; and

(ii) at the time of reevaluation, allows the department to disenroll a child ~~[who does not meet the]~~ based on the prioritization described in Subsection (4)(a) and additional eligibility criteria.

(4) The department shall:

~~[(a) seek to prioritize, in the waiver described in Subsection (2), entrance into the program based on the:]~~

(a) establish by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, criteria to prioritize qualified children's participation in the program based on the following factors, in the following priority order:

(i) the complexity of a qualified child's medical condition; and

(ii) the financial needs of ~~[a]~~ the qualified child and the qualified child's family;

(b) convene a public process to determine~~[(i)]~~ the benefits and services to offer a qualified child under the program; ~~[and]~~

~~[(ii) additional eligibility criteria for a qualified child;]~~

(c) evaluate, on an ongoing basis, the cost and effectiveness of the program;

(d) if funding for the program is reduced, develop an evaluation process to reduce the number of children served based on the participation criteria ~~[in]~~ established under Subsection (4)(a); and

(e) establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, additional eligibility criteria based on the factors described in Subsections (4)(a)(i) and (ii).